

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NEW CINGULAR WIRELESS PCS, LLC,

Plaintiff,

v.

No. 13-cv-1056 JAP/SMV

COUNTY OF BERNALILLO,

Defendant.

**ORDER GRANTING DEFENDANT’S
SECOND MOTION FOR PROTECTIVE ORDER**

THIS MATTER is before the Court on Defendant’s Second Motion for Protective Order [Doc. 47] (“Motion”), filed on October 27, 2014. Plaintiff responded on November 5, 2014. [Doc. 52]. Defendant replied on November 19, 2014. [Doc. 61]. The Court, having considered the briefing and relevant law, and being otherwise fully advised in the premises, finds that the Motion is well-taken and will be GRANTED.

Defendant moves for a protective order concerning the Amended Notice of Deposition “in which Plaintiff notices a deposition for Bernalillo County Commissioner Wayne Johnson for Wednesday, October 29, 2014.” [Doc. 47] at 1; *see* [Doc. 47-1] at 1–2. Defendant contends that a protective order is warranted because, among other reasons, Plaintiff provided only 6 days’ notice instead of the minimum 14 days’ notice required by D.N.M.LR-Civ. 30.1. [Doc. 47] at 6; *see* [Doc. 47-1] at 2. Plaintiff’s response did not address Defendant’s argument as to the untimeliness of notice. [Doc. 52]; *see* [Doc. 61] at 1.

Plaintiff served the Amended Notice of Deposition on October 23, 2014. [Doc. 47-1] at 2. The parties do not dispute that Plaintiff failed to serve the Amended Notice of Deposition

in accordance with D.N.M.LR-Civ. 30.1. Because Plaintiff violated D.N.M.LR-Civ. 30.1, the Court will grant Defendant's Motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant's Motion for Protective Order [Doc. 47] is **GRANTED**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge